

CALENDAR ITEM
C20

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08/24/06
PRC 7676 WP 7676.9
M. Hays

**TERMINATION AND ISSUANCE OF A
PERMIT FOR TELEPHONE LINE RIGHT OF WAY**

PERMITEE/APPLICANT:

Pacific Bell Telephone Company, California Corporation
DBA AT&T California
12824 Earhart Avenue
Auburn, CA 95602

AREA, LAND TYPE, AND LOCATION:

1.14 Acres, more or less, of sovereign lands in Emerald Bay, Lake Tahoe, El
Dorado County.

AUTHORIZED USE:

Installation of a new submarine fiber optic cable and the continued use and
maintenance of an existing copper submarine telephone cable as shown on the
attached Exhibit A.

LEASE TERM:

Continuous use, beginning August 24, 2006.

CONSIDERATION:

Public benefit derived from Permittees's acceptance of franchise obligations
pursuant to section 7901 of the Public Utilities Code.

OTHER PERTINENT INFORMATION:

1. The Applicant has the right to use the upland adjoining the lease
premises, which is owned by the California State Department of Parks and
Recreation.
2. On February 25, 1993, the Commission authorized issuance to the
Applicant of a General Permit – Right of Way Use, Permit No. PRC
7676.9, for the use and maintenance of an existing copper submarine
telephone cable that was originally placed on the bed of Emerald Bay in

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1981. The existing telephone cable provides local service to DL Bliss and Emerald Bay State Parks, Vikingsholm, and residential cabins along Highway 89 above the North shore of Emerald Bay. The Applicant is now applying for the retention of the existing operational telephone cable, and the installation of a new submarine fiber optic cable in the bed of Emerald Bay.

3. In 2004, the Applicant (AT&T) received written complaints from the El Dorado County Sheriff and the city of South Lake Tahoe Police regarding the loss of 911 emergency telephone services. This existing service, which is fed through a single feed line, disrupts service from the point of failure. In addition, existing radio sites and towers are at maximum capacity with no frequencies available into the Lake Tahoe region with radio no longer a viable relief option. The proposed project is a looped system that will provide diversification of facilities in the Lake Tahoe Basin and consists of placing fiber optic cable in existing conduit and on existing poles from Sacramento via Highway 80 to Truckee, then on to Tahoe City, following along Highway 89 through Emerald Bay to South Lake Tahoe, and continuing along Highway 50 to Sacramento.
4. AT&T is proposing to lay a new two-inch diameter armored submarine fiber optic cable on the bed of Emerald Bay at the same time and parallel to the Sierra Pacific Power Company's (SPPC's) proposed installation of a new 4.5-inch diameter submarine electrical power cable in Emerald Bay. AT&T and SPPC have partnered in coordinating their respective projects in order to have both cables installed simultaneously to minimize cost of installation and environmental impacts. A separate application has been submitted by SPPC for an amendment to PRC 944.1 for the installation of a new submarine electrical power cable and the abandonment in place of the existing inoperable power cable. SPPC's application has also been placed on the Commission's August 24, 2006, agenda.
5. The Emerald Bay cable laying activities will begin with the cable reels and other material delivery via truck to the Tahoe Keys Marina dock and will then be transported to the installation site via portable barge. The barge will be towed to the site using two shallow draft work boats and anchored using cables affixed to the shore using a temporarily installed pole or stake to facilitate barge stability and prevent drag. The combined installation of approximately 3,000 feet of cable will take place from the barge deck by off-spooling from the cable reels into the water with the

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assistance in placement by a boat and divers. The first end of the cable will be pulled ashore, the barge will then commence the lay, buoys will be placed along the route, and a laser on shore will guide the installation. One work boat will move the barge on a short tow and one boat will be placed at the side to act as a thruster. Once the placement is complete, the cable will be connected at each shore to a riser pole with the exposed portions of the cable buried in a trench and covered with clean excavated spoils and rock.

6. The cable laying is anticipated to take two to three days and will take place between mid-September and mid-October 2006. During construction activities, a U. S. Coast Guard broadcast will advise boaters to use caution in the area and to follow instructions given from the project's safety boat. A safety boat will be on the site to warn off boaters traveling in the vicinity of the construction site. One-half of Emerald Bay will be open to water-borne traffic at all times. In addition, a notice will be placed at local marinas to advise the public of the construction activities and the schedule. Notification to the operators of tour boats will also be provided.
7. Pursuant to California Public Utilities Code section 7901 (PUC § 7901), telephone corporations may construct and operate lines and equipment along and upon any public road, highway or the navigable water of the State, without payment of compensation, provided the lines and facilities do not interfere with the public use. Applicant has provided staff with a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission (CPUC) authorizing Applicant to operate as a facilities-based competitive local carrier and to provide intrastate telecommunications services in California.
8. **Termination of existing permit:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

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9. **Issuance of a new permit:**

A Mitigated Negative Declaration and Mitigation Monitoring Program were prepared and adopted for this project by California State Department of Parks and Recreation. The California State Lands Commission's staff has reviewed such document.

10. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency
California Department of Fish and Game
California State Department of Parks and Recreation
California Department of Transportation
California Public Utility Commission
U. S. Forest Service

EXHIBIT:

- A. Site And Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 21, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING PERMIT: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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ISSUANCE OF A NEW PERMIT:

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

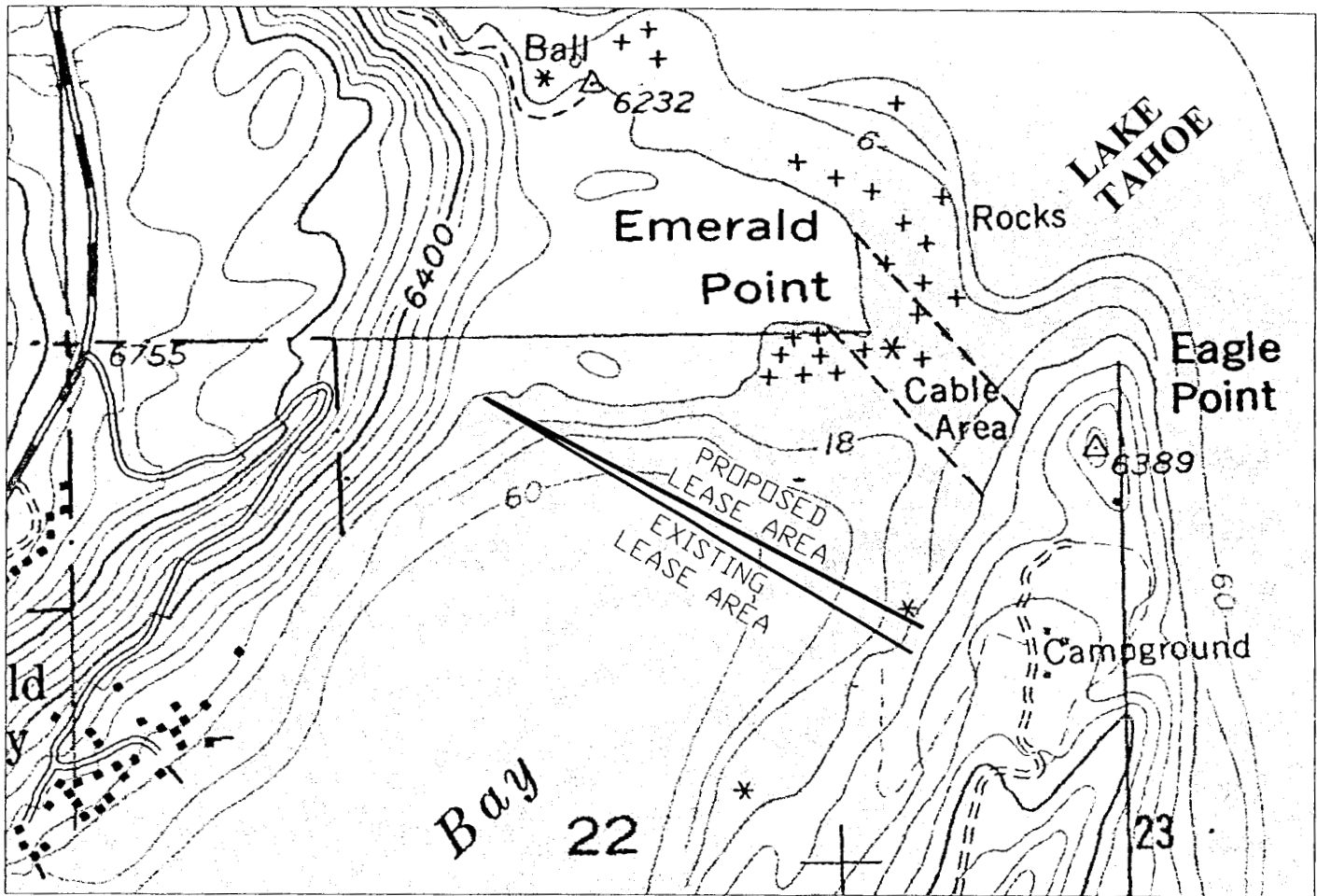
AUTHORIZATION:

AUTHORIZE THE TERMINATION OF PERMIT NO. PRC 7676.9 EFFECTIVE AUGUST 24, 2006.

AUTHORIZE ISSUANCE TO PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA, OF A PERMIT FOR A TELEPHONE RIGHT OF WAY, FOR A TERM OF CONTINUOUS USE BEGINNING AUGUST 24, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING COPPER SUBMARINE CABLE, AND THE INSTALLATION OF A NEW FIBER OPTIC SUBMARINE CABLE AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC BENEFIT PURSUANT TO SECTION 7901 OF THE PUBLIC UTILITIES CODE.

NO SCALE

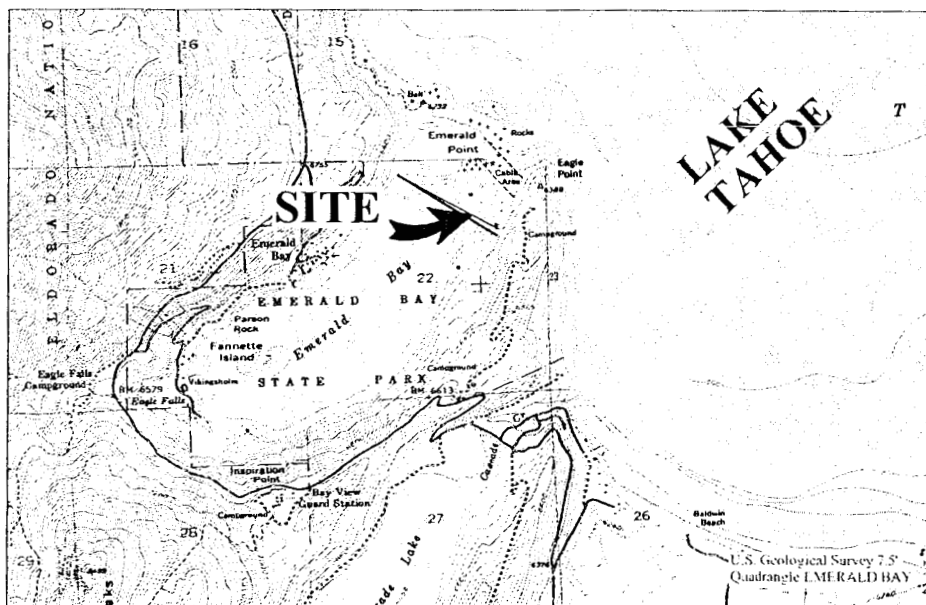
SITE MAP



SBC Fiber Optic Cable Crossing at Emerald Bay

NO SCALE

LOCATION MAP



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, and is not intended to be, nor shall it be construed as a waiver or limitation of any state interest in the subject or any other property.

CALENDAR PAGE

MINUTE PAGE

EXHIBIT A

WP 7676

APN 018-041-04

& 018-060-05

General Lease - R/W Use
El Dorado County



DWC 02-28-2006